

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

STEPHEN WENDELL SMYTHE,

Petitioner,

vs.

CRAIG FARWELL, *et al.*,

Respondents.

3:04-cv-00462-LRH-RAM

**ORDER**

On August 3, 2007, the Court dismissed with prejudice this *pro se* petition for a writ of habeas corpus. (Docket #44). Judgment was entered on August 6, 2007. (Docket #45). By order filed January 17, 2008, this Court denied petitioner's motion for reconsideration. (Docket #47). Petitioner filed a notice of appeal. (Docket #52). On December 23, 2008, the Court of Appeals denied petitioner's application for a certificate of appealability and denied all pending motions. (Docket #56). On December 24, 2008, petitioner filed a motion to vacate judgment in this action. (Docket #57). Petitioner has failed to make an adequate showing under the Federal Rules that the judgment entered in this action should be vacated.

**IT IS THEREFORE ORDERED** that petitioner's motion to vacate judgment (Docket #57) is **DENIED**.

Dated this 2<sup>nd</sup> day of April, 2009.



LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE